

BUMED INSTRUCTION 6320.79

From: Chief, Bureau of Medicine and Surgery

Subj: MEDICAL EXAMINATIONS FOR MEMBERS ON THE TEMPORARY DISABILITY RETIRED LIST (TDRL)

Ref: (a) Title 10, USC, chapter 61 (1976), as amended (NOTAL)
(b) SECNAVINST 1850.4C
(c) SECNAVINST 5214.2B (NOTAL)

1. Purpose. To establish procedures for the reevaluation of Navy and Marine Corps members on the Temporary Disability Retired List (TDRL).

2. Background

a. Reference (a) requires the Armed Service Secretaries to place certain members on a list of those temporarily retired by reason of physical disability and to provide for periodic physical examinations of such members at least every 18 months to determine the continued existence and extent of their disability. This includes members who have waived retired pay to receive compensation from the Department of Veterans Affairs (DVA), as they are still members of the naval service.

b. The Chief of Naval Personnel (CHNAVPERS) or the Commandant of the Marine Corps (CMC) removes a member's name from the TDRL any time the Physical Evaluation Board (PEB) determines that any of the following conditions exist:

(1) The member is fit for full duty.

(2) The disability is currently ratable at less than 30 percent and the member has less than 20 years of active service, even though the disability has not stabilized.

(3) Maximum improvement has been achieved or the disability cannot reasonably be expected to increase or decrease so as to change or terminate the amount of disability retired pay to which the member would be entitled. In any event, a member's case should be finalized by the fifth anniversary of placement on the TDRL.

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c. CHNAVPERS or CMC removes a member's name from the TDRL on the fifth anniversary of placement on the TDRL for failure to report for periodic examination.

d. The TDRL provides the Government a safeguard against permanently retiring a member who may subsequently recover fully, or nearly so, from the disability which originally placed the member on the TDRL. Conversely, the list provides the member a safeguard from being prematurely, permanently

retired with a condition which may develop into a more serious permanent disability.

3. Discussion

a. CHNAVPERS and CMC are responsible for administering the TDRL for their services. Responsibilities include:

- (1) Maintaining an accurate account of members on the TDRL.
- (2) Designating medical facilities to provide periodic physical examinations and directing members to undergo these examinations.
- (3) Arranging and coordinating with the President, PEB, alternate means of examination when members are unable to travel or report for periodic physical examinations due to circumstances beyond their control.
- (4) Ordering additional medical information when requested by the PEB.
- (5) Monitoring failures to report for periodic physical examinations and taking appropriate actions in such cases.
- (6) Implementing disposition of members whose cases are finalized by the PEB, as appropriate.

b. CHNAVPERS or CMC will order a member to a periodic physical examination at the military medical treatment facility (MTF) nearest the member's current place of residence. CHNAVPERS and CMC will attempt to place the member at an MTF with the capability of evaluating that member's particular condition. If an MTF receives orders on a member who requires a medical specialty beyond the capability of the MTF, the TDRL clerk should contact CHNAVPERS (PERS-27) at (703) 614-2690 or Defense Switched Network (DSN) 224-2690 or CMC (MMSR-4), as applicable, at (703) 614-2091 or DSN 224-2091. Because Navy TDRL examination requirements differ from those of other services, nonnaval MTFs are not obligated to conduct TDRL reevaluations on Navy or Marine Corps members, but may do so based on the space and capabilities available.

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c. CHNAVPERS (PERS-27) will issue orders to the member about 9 months before the date a periodic reevaluation is due and no later than 6 months before the fifth anniversary of the member's placement on the TDRL. CMC (MMSR-4) will issue orders 3-4 months before the date of a periodic or final evaluation is due. They will match these orders with the member's medical boards and previous TDRL reevaluations on file at the PEB and forward to the designated examining MTF. If the evaluating physician needs the member's entire service medical record to complete the reevaluation, the MTF should request a copy from the Naval Reserve Personnel Center, New Orleans, LA 70146, for Navy members or to Headquarters, U.S. Marine Corps, MMRB-16, Washington, DC 20380-0001 for Marines. The member will receive an advance copy of the orders. Per references (b) and (c), CHNAVPERS and CMC are responsible for funding the travel and allowances of TDRL members and any medically necessary attendants.

d. Members on the TDRL are responsible for maintaining current mailing addresses with the appropriate finance center and CHNAVPERS or CMC at all times.

4. Action

a. Scheduling Physical Examinations. Upon receipt of a copy of the orders, the MTF must:

(1) Endorse the orders and specify the date, place, and time (maximum of 30 days) the member is to report. The examination is to be conducted during the month specified in the orders or during the preceding or following month.

(2) Send notices of appointments for periodic physical examinations by certified mail (or an equivalent form for delivery outside the United States) to the member's address of record. If no response is received, verify the address with PERS-27 or MMSR-4 and send the notice again by regular mail. If no current address exists, return all records to CHNAVPERS or CMC.

(3) Forward a copy of the certified mail receipt, the member's records, and a signed statement documenting the member's failure to appear for the examination to CHNAVPERS or CMC, if the member fails to appear for the scheduled appointment without contacting the MTF for rescheduling.

b. Physical Examination

(1) The facility to which the TDRL member has been ordered is responsible for providing the physical examination and for reporting in full detail **all** physical impairments and physical findings associated with each impairment.

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(2) TDRL members ordered to an MTF for a periodic physical examination are **PRIORITY ONE** patients. Naval MTFs must provide the examination without delay. In the event it is not possible for CHNAVPERS or CMC to order the member to an MTF with the capability of evaluating the member's particular condition, transfer the member directly to another Federal source of care that has capability. MTFs must use the aeromedical evacuation system for such transfer, when appropriate. MTFs may also elect to use supplemental funds to obtain the needed services while retaining medical management.

(3) The physical examination must be a comprehensive evaluation of the condition for which the member was placed on the TDRL and **all** physical impairments, including any impairments from which the member has recovered and any new ones acquired while on the TDRL. The physician must perform a general physical examination and preventive screening and counseling as appropriate for age and gender. The physician must obtain any consultations, or laboratory or radiological tests, or studies needed to document the member's physical condition.

(4) The physician must convene a competency board, per reference (b), if a member not previously declared incompetent is judged to be incompetent at the time of the TDRL examination.

(5) The commanding officer of the MTF must notify CHNAVPERS or CMC, as appropriate, if the examination is not completed before the 18-month or 36-month exam, or 3 months before the 5-year TDRL anniversary date and include the reason for the delay.

c. Report of the Periodic Reevaluation

(1) Prepare the report in medical board report, letter, or narrative format. Because a TDRL reevaluation does not require the convening of a medical board, there is no requirement for a Medical Board Report Cover Sheet,

a second physician's signature, or the convening authority's signature.

(2) The report must contain:

(a) The current address and telephone number of the member, the name of the MTF, and the date of the report.

(b) An interval history since the last examination with particular reference to the member's employment and work time lost due to the disability for which retired.

(c) The results of the physical examination including any consultations, clinical evaluations, and laboratory studies

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necessary to document the member's physical condition. Examinations of TDRL members should include a thorough review of systems.

(d) Information about the member's current condition and prognosis, including current stability and the likelihood of significant change within the remaining statutory time the member might remain on the TDRL. A comparative estimate of changes relative to the member's previous condition.

(e) In the case of psychiatric disabilities, a statement on the current degree of impairment of industrial and social adaptability and a statement on whether disclosure to the member of information relative to his or her physical or mental condition, or a personal appearance before the PEB would be detrimental to the member's physical or mental health.

(3) Whenever a member on the TDRL was earlier found mentally incompetent or incapable of managing his or her affairs, the report must contain either a statement that the member continues to be incompetent or a finding of restoration of competency. A report of restoration of competency may be done by one or two physicians, one of whom must be a psychiatrist. The MTF commanding officer must ensure liaison with the Office of the Judge Advocate General.

d. Subsequent Report Processing

(1) Unless disclosure of the information contained in the report would adversely affect the member's physical or mental health, mail the member a copy of the report with instructions to send any comments directly to the President, Physical Evaluation Board, 801 N. Randolph Street, Arlington, VA 22203-1989. If the member is incompetent, mail the guardian a copy of the report.

(2) The commanding officer must forward the report together with the medical records and a copy of the member's orders within 30 days following completion of the examination to the President, Physical Evaluation Board (TDRL), 801 N. Randolph Street, Arlington, VA 22203-1989.

e. Completion of member's travel claim. Upon completion of the medical examination, direct the member to the patient administration department (or other office the commanding officer may designate) to complete a voucher form, if authorized travel has been performed. Patient administration staff must assist the member in completing the voucher in as much detail as possible before the member leaves the MTF. Navy members must submit the

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completed voucher to the nearest personnel support detachment. Marine Corps members will submit the voucher per the instructions included with their orders.

f. Special Circumstances

(1) If a member who has difficulty in traveling (e.g., paraplegic patients) is ordered to an MTF for reevaluation, the MTF may obtain a medical report from the member's attending civilian physician and submit this report to the PEB instead of an evaluation at the MTF. The report must contain all the required information outlined in paragraph 4c and be endorsed by the medical board convening authority or designated representative.

(2) If a TDRL member being followed at a DVA medical center is ordered to an MTF for reevaluation, request the DVA submit a TDRL reevaluation report directly to the PEB. Be sure to specify the requirements listed in paragraph 4c when making a request to the DVA. Return the member's orders and medical records to the Navy or Marine Corps with a copy of the request to the DVA.

5. Reporting Requirement. PERS-27 provides, on about the 15th of each month, a status update to each MTF of TDRL members who are on record for a final periodic examination or members who have exceeded the 5-year TDRL status limitation. The update will list the current status or discrepancies in pending cases in retirement date order, with the oldest retirement date listed first. Commanding officers must submit an update within 10 working days. Submit this update by message, letter, or any automated data base system format. Forward a copy to Chief, Bureau of Medicine and Surgery (MED-3C31), Washington, DC 20372-5120. Forward the update to Chief, Bureau of Naval Personnel, (PERS-27), Washington, DC 20370-5000, or telefax to (703) 614-9482 or DSN 224-9482.

6. Report Exemption. The reporting requirement contained in paragraph 5 is exempt from reports control by reference (c), part IV, paragraph G8.

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